IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

CRL.A.No. 1206 of 2007()

MC.25/2004 of ADDL. DISTRICT & SESSIONS COURT FAST TRACK (ADHOC-I), KOZHIKODE
SC.456/2001 of ADDL. DISTRICT & SESSIONS COURT FAST TRACK (ADHOC-I), KOZHIKODE

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APPELLANT: COUNTER PETITIONERS

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1. AZEEZ, S/O. MAMMED,
PARAYIL HOUSE, MELADI AMSOM, KANDAMKULAM DESOM.

2. MADATH K.P. UMMER,
S/O. ABDU RAHIMAN, MOODADI AMSOM,
VEERAVANCHERY DESOM.

3. MUHAMMED, S/O. POCKER,
"SHALIMAR", KANNAMKULAM AMSOM & DESOM.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)
SMT.SUSAN JACOB

RESPONDENT: COMPLAINANT

STATE OF KERALA,
STATION HOUSE OFFICER, PAYYOLI POLICE STATION,
CRIME NO.367 OF 2000, PAYYOLI, KOZHIKODE, REP. BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P.SRI.C.M. KAMMAPPU

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. THANKAPPAN, J.

CRL.A.NO.1206 OF 2007

Dated this the 4th day of July, 2007.

JUDGMENT

This is an appeal filed against the order passed in M.C.No.25/2004 in S.C.No.456/2001 on the file of the Additional District and Sessions Judge Fast Track (Adhoc-I), Kozhikode. By the impugned order, the trial court found that the appellants stood as sureties for the accused in the above sessions case and when the case was posted, the accused did not appear. Hence, proceedings under Section 446 of the Code of Criminal Procedure have been initiated. Notices were also issued to the appellants and also to the accused. After considering the stand taken by the appellants and the accused, the trial court found that non-production of the accused in the above case as per the bail bonds executed by the appellants before that court has been proved. Hence, proceedings have been initiated. It was also found by the trial court that even after receipt of the show cause notices, the appellants have not turned before the court. Hence, the court imposed a penalty of Rs.10,000/= each on the petitioners by the impugned order. The court below also ordered a

penalty of Rs.5,000/= to the 2nd appellant as he was also one of the sureties of the accused. Against that order, this appeal is filed.

2. This appeal itself has been filed with a long delay of one year. After considering the facts and circumstances, this Court though condoned the delay, the matter has been considered on merits on the admission stage itself. The counsel appearing for the appellants could not pointed out any illegality with the impugned order before this Court.

In the above circumstances, this Court is of the view that the order impugned requires no interference. Accordingly, this appeal stands dismissed confirming the order already passed by the court below.

K. THANKAPPAN, JUDGE.

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